IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:12 cr 25

UNITED STATES OF AMERICA,)	
Vs.)	ORDER
DEBORAH LEE TIPTON,)	
Defendant.)	
)	

THIS MATTER has come before the Court pursuant to Motion (#62) filed by Defendant. The undersigned has examined the motion and finds that the Motion does not show that counsel for Defendant has conferred with opposing counsel as to the relief sought and thus there has not been compliance with LCrR 47.1(B). In addition, counsel for Defendant has not filed a brief as required by LCrR 47.1(C).

LCrR 47.1(B) states as follows:

(B) Certificate of Conference With Filing.

Pretrial motions, other than motions to suppress, *ex parte* motions, and notices (notice of substitution of counsel, notice of appearance, notice of intent to present certain types of evidence, etc.) shall include a certification that the moving party has conferred with opposing counsel and state opposing counsel's position on the relief sought, or an explanation as to why conferring should not be required under the circumstances. If a hearing on a motion is requested, counsel should estimate the length of such hearing.

The Motion of Defendant does not reflect any consultation with the government nor is there any estimate of the length of the hearing and for that reason the Motion will be denied.

LCrR 47.1(C) states as follows:

(C) Requirement of Briefs. Briefs shall be filed contemporaneously with any potentially dispositive pretrial or post-trial motion submitted in a criminal action. No brief is required in support of timely motions for extension of time, continuances, admissions *pro hac vice*, etc.

A brief was not served in support of Defendant's motion. The Motion does not reflect any authority or law that would support the request of Defendant and does not point the Court to any such authority. For that additional reason, the Motion of Defendant will be denied. Based upon the foregoing, the Court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the Motion (#62) filed by Defendant's counsel is hereby **DENIED** without prejudice. Defendant's counsel will be allowed, should he choose to do so, file further pleadings reflecting compliance with LCrR 47.1(B) and (C).

Signed: May 2, 2013

Dennis L. Howell United States Magistrate Judge

